

THE HON'BLE MR JUSTICE V.V.S.RAO

-
WRIT PETITION No.3248 of 2004

-
20.07.2006

Between

K.N.Panickar, S/o.K.Govindan Nair

... Petitioner

AND

The Principal Secretary, Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

... Respondents

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ORDER:

The petitioner claims to be an Ex-serviceman who allegedly joined the Indian Army on 23.5.1948 and retired as Subedar Major in 1976. He was statedly allotted Acs.5.00 of agricultural dry land in survey Nos.240 and 263 situated at Jawaharnagar Village and since then he is cultivating the land and paying the land revenue regularly. He also alleges that he was granted a certificate by the revenue officials. Though he approached the revenue officials number of times, he was not given a regular patta and, therefore, he seeks a writ of Mandamus directing the respondents 1 to 4 to issue patta to the petitioner in respect of agricultural dry land admeasuring Acs.2.09 guntas and Acs.2.30 guntas in survey Nos.259/1 and 263/1 respectively situated at Jawahar Nagar Village of Shameerpeta Mandal in Ranga Reddy District.

Learned Assistant Government Pleader for Revenue (Assignment) has brought to the notice of this Court that in a batch of cases in W.P.No.3912 of 1992 and batch dated 25.3.2004, this Court disposed of the writ petitions giving certain directions and the writ appeal filed against the same has been dismissed. He further brought to the notice of this Court that the representations of the Ex-Servicemen for allotment of agricultural land are being considered in accordance with the said judgment. In the said judgment, this Court made the observations and issued the directions as under.

- (i) Wherever the Ex-serviceman has actually in possession of the land and has brought the land under cultivation within a period of three years from the date of allotment to JCLSCS, the Mandal Revenue Officer shall consider the case and regularize the possession by issuing D-form patta in favour of Ex-serviceman or his legal heir wherever necessary;
- (ii) It shall be open to all the Ex-servicemen who are petitioners before this Court to appear before the Mandal Revenue Officer, Shamirpet Mandal on 15.4.2004 with a representation and necessary material with regard to the status as Ex-serviceman, and with regard to

possession and other particulars when the Mandal Revenue Officer may fix a date for proper enquiry and complete the enquiry within a period of two months thereafter;

- (iii) The Mandal Revenue Officer shall submit a detailed report containing case-wise details to the Joint Collector, Ranga Reddy District who shall sanction/issue patta to eligible Ex-servicemen. Till this enquiry is completed, there shall be status quo as on today with regard to possession.
- (iv) Insofar as writ petitions in the third group mentioned hereinabove i.e., W.P.Nos.17041 of 2002, 24015 of 2002, 24819 of 2002, 25681 of 2002, 962 of 2003, 2369 of 2003, 13312 of 2003, 14580 of 2003, 18491 of 2003 and 18703 of 2003, the matters are disposed of giving liberty to all the petitioners to seek appropriate relief from the Mandal Revenue Officer for assignment of land. As the allegation that they are in possession of the land is denied, no orders as to possession can be passed in their favour, and the interim orders passed by this Court stand vacated;
- (v) It shall be made clear that in no case Ex-serviceman or any other person shall be allotted more than Acs.5.00 of agricultural dry land or Acs.2.50 of wet land;
- (vi) As it is reported that in W.P.Nos.23914 of 2002, 20427 of 2003 and 21470 of 2003 the petitioners purchased land admeasuring less than 400 Sq.yards from Ex-servicemen for the purpose of construction of house, if they are eligible under relevant Government orders, on payment of market value, their cases may be considered.

Following the above, this writ petition is also disposed of. No costs.

(V.V.S.RAO, J)

July 20, 2006.

YS